



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alexander BUHL et al.

Appl. No: 10/815,933

Confirmation No: 9442

Filed: April 2, 2004

For: METHOD AND A CONTINUOUS
ROD MACHINE ARRANGEMENT
FOR PRODUCING NONWOVEN
FILTERS

Art Unit: 3721

Examiner: Sameh Tawfik

Atty. Docket No: 41653-201032

Customer No:

26694

PATENT TRADEMARK OFFICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Sir:

In Response to the Final Office Action of May 9, 2005, Applicants submit the following Remarks.

Rejection under 35 U.S.C. § 102

The Examiner finally rejected Claims 1-7 and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,050,427 to Slayter et al ("Slayter"). In doing so, the Examiner incorrectly asserts that the Slayter reference discloses the fluidized bed required by the present claims and applies a definition of a fluidized bed that is contrary to its accepted meaning as known to one of skill in the art.

The present claims recite, "[a] method for producing a nonwoven fiber composite . . . comprising: feeding separated fiber materials to a fluidized bed..." Slayter does not disclose a

fluidized bed. The process of fluidization, as in a fluid bed, is known in the art. Hawley's Condensed Chemical Dictionary defines fluidization as "a technique in which a finely divided solid is caused to behave like a fluid by suspending it in a moving gas or liquid." Hawley's Condensed Chemical Dictionary, 13th ed. (1997). FIG. 2 of the present specification illustrates that separated fibers are suspended in air as the fibers move along the fluidized bed. In contrast, the apparatus of Slayter does not utilize a fluidized bed where the fibers are suspended in a moving gas. Instead, Slayter discloses fibers that are pulled downwards by gravity and by suction box 31 (Slayter, col. 4, lines 23-25).

As depicted in FIG. 2 of Applicants' invention, the fluidized bed occurs when transport air, running in a substantially horizontal direction, meets the falling fiber particles, thus suspending the fibers and transporting them along the fluidized bed. Paragraph 70 of the present specification further explains, "[t]he fiber flow leaving the separating device(s) consists of individual fibers carried along by air and/or air flow. The appearance of the air flow carrying along fibers or fiber-loaded air flow resembles a snow storm." Thus, the fluidized bed of the present claims requires the suspension of separated fiber particles, which is consistent with the Hawley's Dictionary definition. In contrast, the Examiner uses the term in a manner in consistent with the ordinary meaning; Slayter bears no mention of suspension of fibers. Consequently, Slayter does not disclose a fluidized bed and cannot anticipate the present invention.

Additionally, the present claims require transport "essentially by a transport air flowing in the direction of the rod forming device." In the exemplary embodiment illustrated in Figure

1, transport occurs in a substantially horizontal direction. In discussing FIG. 6, paragraph 82 of Applicants' specification explains that air flow 68 consists of separator air flow 133, which moves in a vertical direction until the fluidized bed is reached. At this point, air flow is no longer vertical, and as illustrated by the figures; the air flow 68 is substantially horizontal. The horizontal movement of Slayter is achieved by conveyor, not by air. The only transport air force present in Slayter is in a downward direction: "the deposition of the fibers and nodules of fibers is promoted by the forces of gravity and by the action of suction box 31" (Slayter, col. 4, lines 23-25). Even if movement of the mat is construed as movement in the direction of the rod-forming device Slayter does not utilize air transport as disclosed and claimed in the present invention; transport occurs in Slayter solely by a conveyor belt. In contrast, the present invention relies on air as the primary transport vehicle ("transporting the separated filter material . . . essentially by transport air..."), rather than a mechanical means.

In summary, Slayter does not anticipate the present claim limitation of "transporting the separated filter material inside the fluidized bed . . . essentially by a transport air flow flowing in the direction of the rod-forming device" because: 1) Slayter does not disclose air moving in a the direction of the rod-forming device, as illustrated by the Figures of the present specification (horizontal direction); 2) Slayter does not disclose a fluidized bed (as discussed above); and 3) the transport means of Slayter is a conveyor belt. Since Slayter does not disclose these necessary elements of claim 1, Slayter does not anticipate the present claims. Withdrawal of the rejection is respectfully requested.

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Rejection under 35 U.S.C. § 103

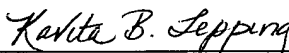
The Office Action rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Slayter. It is believed that in light of the above arguments, claim 1 is allowable, and thus dependent claims 8-10 are also allowable. Further, the present invention is directed towards method for producing a nonwoven fiber composite for the manufacture of filters in the tobacco industry. Slayter is directed to a method for producing a composite foam and mineral product. Accordingly, a rejection under 35 U.S.C. § 103 is not appropriate, and withdrawal of this rejection is respectfully requested.

Summary

In light of the above amendments and arguments, it is submitted that claims 1-13 are allowable. Reconsideration of the rejection and the issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: August 5, 2005



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